

Docket No.: 1291-0146PUS2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lennart Stridsberg

Application No.: 10/823,623

Confirmation No.: 4653

Filed: April 14, 2004

Art Unit: 3618

For: A HYBRID POWERTRAIN

Examiner: J. J. Restifo

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Responsive to the January 21, 2009 Notice of Non-Compliant Appeal Brief, attached hereto is a corrected version of pages 2, 4 and 5 of the Appeal Brief submitted on December 5, 2008.

The present submission is being timely filed within thirty (30) days of the mailing date of the Notice. Accordingly, no extension of time fees should be due.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: February 23, 2009

Respectfully submitted,

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Stridsberg Powertrain AB, Folkungagatan 56 Stockholm, Sweden SE-11622

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 13 claims pending in the application.

B. Current Status of Claims

1. Claims 1-4 and 6-14 are pending. Claim 5 has been canceled.
2. Claims 1, 6 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eggert, Jr. (US 4,267,895)
3. Claims 2-4, 7-9 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggert, Jr. in view of Ishida et al. (US 5,705,865)

C. Claims on Appeal

The claims on appeal are claims 1-4, 6-9 and 11-14.

IV. STATUS OF AMENDMENTS

Applicant filed an Amendment on December 6, 2007, in response to a Non-Final Office Action dated June 7, 2007 amending claims 1, 6 and 11. The Examiner responded to the Amendments by providing a Final Office Action

With respect to dependent claim 4, the claimed invention is directed to wherein at least part of the air is made to pass between windings of the electric motor (see fig. 6 and specification page 25, lines 14-34).

With respect to Independent claim 6, the claimed invention is directed to a powertrain of a vehicle having wheels (see figs. 4a and 4b element 408), the powertrain including a thermal engine (see figs 4a and 4b, element 403 and fig. 6, specification pages 7-8) and an electric motor (see figs. 4a and 4b, elements 401 and 409 and fig. 6) for selectively driving at least one of the wheels, the electric motor comprising an inlet (see fig. 6 and specification page 25, lines 14-34) for receiving filtered air from an air filter for supplying filtered air to the thermal engine; and channels for receiving said filtered air and directing the filtered air to pass in such a way that at least some internal parts of the electric motor will obtain cooling from said filtered air (see fig. 6 and specification page 25, lines 14-34).

With respect to dependent claim 7, the claimed invention is directed to wherein said channels include an airgap between a stator and a rotor of the electric motor (see fig. 6 and specification page 25, lines 14-34) .

With respect to dependent claim 8, the claimed invention is directed to wherein said channels include channels passing along permanent magnets of the electric motor (see fig. 6 and specification page 25, lines 14-34) .

With respect to dependent claim 9, the claimed invention is directed to wherein said channels include channels passing between windings of the electric motor (see fig. 6 and specification page 25, lines 14-34).

With respect to independent claim 11, the claimed invention is directed to a vehicle having wheels (see figs. 4a and 4b element 408) and a powertrain including a thermal engine (see figs 4a and 4b, element 403 and fig. 6,

specification pages 7-8) and a electric motor (see figs. 4a and 4b, elements 401 and 409 and fig. 6) for selectively driving at least one wheel of the vehicle, a method of cooling the electric motor comprising, passing a flow of air to the thermal engine through an air filter to produce filtered air (see fig. 6 and specification page 25, lines 14-34); and providing at least part of the filtered air from the air filter to the inside of the electric motor to provide cooling thereof (see fig. 6 and specification page 25, lines 14-34).

With respect to dependent claim 12, the claimed invention is directed to wherein at least part of the filtered air is made to flow through an airgap between a stator and rotor of the electric motor (see fig. 6 and specification page 25, lines 14-34).

With respect to dependent claim 13, the claimed invention is directed to wherein at least part of the filtered air is made to flow along permanent magnets of the electric motor (see fig. 6 and specification page 25, lines 14-34).

With respect to dependent claim 14, the claimed invention is directed to wherein at least part of the filtered air is made to flow between windings of the electric motor (see fig. 6 and specification page 25, lines 14-34).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Final Office Action dated March 31, 2008 provide the following grounds of rejection for review on appeal:

1. Claims 1, 6, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Eggert, Jr.* (US 4,267,895)
2. Claims 2-4, 7-9 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Eggert, Jr.* in view of *Ishida et al.* (US 5,705,865)